

Message Text

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06
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C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0674

E O 11652: GDS
TAGS: PORS, WB
SUBJ: REQUEST TO ARM JUDGES AND PROSECUTORS AT LORENZ
KIDNAPPING TRIAL

REF: (A) 77 USBER 3131, (B) 77 USBER 3152

SUMMARY: BERLIN POLICE WILL PROVIDE ROUND-THE-CLOCK
PROTECTION FOR JUDGES AND PROSECUTORS AT THE LORENZ KIDNAPPING
TRIAL, EXPECTED TO BEGIN IN MID-APRIL. THE ALLIED
REFUSAL TO PERMIT THESE OFFICIALS TO CARRY WEAPONS HAS
DRAWN SOME CRITICISM, INCLUDING (BRIEFLY) BY JUSTICE
SENATOR BAUMANN, BUT SEEMS NOT TO BE ACCEPTED. THE EPISODE
HAS ADDED TO CRITICAL BERLINER INTEREST IN THE ALLIED WEAPONS
LAW AND HAS, WE BELIEVE, GENERATED BRITISH REHTINKING OF
THIS GENERAL QUESTION. THIS MESSAGE REPORTS THESE DEVELOP-
MENTS AGAINST A REVIEW OF WHAT HAPPEN THIS ROUND. END SUMMARY.

1. AS DESCRIBED IN REFTELS, THE BERLIN SENAT IN ITS
NOVEMBER 25 VERMERK SUPPORTED A REQUEST BY THE
SENATOR FOR JUSTICE THAT EIGHT JUDGES AND PROSECUTORS
IN THE FORTHCOMING TERRORIST TRAIL BE PERMITTED TO CARRY
WEAPONS FOR SELF-PROTECTION. GOVERNING MAYOR STOBBE AND
TOP POLICE OFFICIALS FREELY ADMITED PRIVATELY THAT
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LITTLE REAL ADDITIONAL SECURITY WOULD RESULT FROM SUCH
ARMING, ALTHOUGH THE INDIVIDUALS CONCERNED WOULD DERIVE
PSYCHOLOGICAL COMFORT. UNDER ANALOGOUS CIRCUMSTANCES IN THE
FEDERAL REPUBLIC THEY WOULD BE PERMITTED TO CARRY WEAPONS.

2. THE NEGATIVE ALLIED RESPONSE DELIVERED ON FEBRUARY 23
TOOK NOBODY BY SURPRISE. THIS REFERRED TO THE SENAT PRO-

POSAL FOR ARMING THE EIGHT OFFICIALS DURING THE TRIAL OF THE 2 JUNE MOVEMENT MEMBERS AND STATED: "THE ALLIED ACCEPT THAT THESE EIGHT OFFICIALS MAY BE IN DANGER DURING THE TRIAL. THEY DOUBT HOWEVER WHETHER THEIR SECURITY WOULD BE INCREASED MATERIALLY BY ALLOWING THEM PERSONALLY TO BEAR ARMS. THEY ALSO CONSIDER THAT, DESPITE THE RELATIVELY LIMITED DURATION OF THE PROPOSAL, A PRECEDENT WILL HAVE BEEN SET WHICH WILL LEAD TO SIMILAR CLAIMS FROM OTHER ENDANGERED INDIVIDUALS WHO ARE ALMOST CERTAIN TO LEARN OF THE MEASURE. (PARAGRAPH) THE ALLIES HAVE THEREFORE CONCLUDED THAT THE CIRCUMSTANCES DO NOT JUSTIFY MAKING AN EXCEPTION TO ALLIED LEGISLATION IN RESPECT TO THE EIGHT OFFICIALS. HOWEVER, THEY CONSIDER IT IMPORTANT THAT PARTICULARLY STRINGENT MEASURES SHOULD BE TAKEN TO ENSURE THEIR PROTECTION, AND ALLIED PUBLIC SAFETY OFFICERS WILL BE IN TOUCH WITH THE DEPARTMENT FOR INNERES AND WITH THE POLICE IN CONNECTION ABOUT THIS. THE ALLIES ARE GLAD TO NOTE THAT SIX OF THE EIGHT OFFICIALS ARE ALREADY RECEIVING POLICE PROTECTION."

3. PRESS INTEREST IN THE BROADER ARMING QUESTION ROSE IN EARLY MARCH, PROMPTED BY SEVERAL DEVELOPMENTS. JUSTICE SENATOR BAUMANN (FDP), WHO HAD BEEN BEHIND THE REQUEST TO ARM COURT OFFICIALS, MADE A SPLASH BY TELLING THE PRESS HE FAILED TO SEE WHY BERLIN'S WEAPONS LAW SHOULD CONTINUE TO DIFFER FROM THAT IN THE FEDERAL REPUBLIC. HE
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WAS QUOTED AS CALLING THE ALLIED REGULATION "AN ANACHRONISM WITH A STRONG DOSE OF ABSURDITY." AN ALLIED INQUIRY TO THE SENAT BROUGHT ASSURANCES THAT BAUMANN WAS NOT REPRESENTING SENAT VIEWS AND WOULD REFRAIN FROM FURTHER SUCH STATEMENTS.

4. INTEREST HAS ALSO BEEN SPURRED BY THE CONCURRENT CDU ANNOUNCEMENT OF A PROGRAM OF KEY STEPS WHICH IT ADVOCATES TO FIGHT CRIME IN BERLIN. MAIN POINTS INCLUDE TAKING OVER THE FRG WEAPON LAW AND PERMITTING "ENDANGERED" BERLINERS TO CARRY ARMS. COMMENT: THE PRESS (AND SPD SPOKESMEN) HAVE POINTED UP THE IMPRACTICABILITY OF THE CDU PROGRAM UNDER THE PRESENT CIRCUMSTANCES. HOWEVER, THE FACT THAT A MAJOR PARTY IN BERLIN FEELS POLITICAL MILEAGE IS TO BE GAINED FROM SUCH ISSUES SUGGESTS AT LEAST SOME VOTER IMPATIENCE WITH ALLIED RESTRICTIONS. END COMMENT.

5. INTERIOR SENATOR ULRICH HAS RECENTLY CONFIRMED TO THE ALLIED PUBLIC SAFETY ADVISERS THAT ALL OF THE JUDGES AND PROSECUTORS INVOLVED IN THE TRIAL ARE UNDER HEAVY POLICE PROTECTION. HE STRESSED THAT, WHILE NO MEASURES COULD OFFER ABSOLUTE SECURITY, THE BERLIN POLICE ASSUME

FULL RESPONSIBILITY.

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6. ON MARCH 20 BRITISH DEPUTY COMMANDANT MACGINNIS HAD OCCASION TO ASK GOVERNING MAYOR STOBBE FOR HIS PERSONAL VIEWS OF THE ALLIED REFUSAL TO AUTHORIZE THE JUDGES AND PROSECUTORS TO CARRY ARMS AND HOW MUCH POLITICAL IMPORTANCE STOBBE ATTACHED TO THE QUESTION OF PROTECTION FOR THOSE THREATENED BY TERRORISM. STOBBE CONFIRMED THAT HE WAS NOT ALL SURPRISED BY THE ALLIED DECISION AND FELT THE ALLIES HAD THE RIGHT ON THE BASIS OF EXISTING LAW TO REFUSE THE REQUEST. IT WOULD ALSO NOT BE RIGHT TO ALLOW SOME TO CARRY ARMS WHILE REFUSING OTHER ENDANGERED PERSONS. STOBBE INDICATED THAT THE ONLY FAIR (AND POLITICALLY ACCEPTABLE) WAY TO PERMIT ARMING WOULD BE FOR THE ALLIES TO MAKE AMENDMENTS TO THE LAW WHICH APPLIED EQUALLY TO ALL WHO WERE SERIOUSLY THREATENED. ONE COULD HAVE A SYSTEM, HE NOTED, IN WHICH ALL THOSE WHOM THE POLICE CERTIFIED AS BEING IN THE TOP RISK CATEGORY WERE PERMITTED TO CARRY WEAPONS. THE ACTUAL LIST COULD OF COURSE BE KEPT SECRET. COMMENT. WE GATHER THAT STOBBE WAS NOT PUSHING SUCH A PROPOSAL, BUT MENTIONED THESE IDEAS IN THE COURSE OF MACGINNIS' RATHER PROBING CONVERSATION. MACGINNIS HAS INDICATED THAT HE WILL BE SENDING US FURTHER THOUGHTS ON THIS GENERAL SUBJECT, WHICH CONFIRMS OTHER SIGNS THAT WE HAVE GOTTEN THAT THE BRITISH ARE RETHINKING THE ARMING

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QUESTION. END COMMENT.
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